

CASE NO. PD-0804-19

THE STATE OF TEXAS

§

IN THE

FILED
COURT OF CRIMINAL APPEALS
1/22/2020
DEANA WILLIAMSON, CLERK

V.

§

JOE LUIS BECERRA

§

COURT OF CRIMINAL APPEALS

STATE'S MOTION FOR EXTENSION OF TIME
TO FILE STATE'S BRIEF

COMES NOW, the State of Texas, by and through its Assistant District Attorney, John Brick, and files this Motion for Extension of Time to File State's Brief. Pursuant to Rule 10.5(b) of the Texas Rules of Appellant Procedure, the State would show in support of her action that:

1. The case is styled *The State of Texas v. Joe Luis Becerra*, trial cause no. 14-03925-CRF-361, out of the 361st District Court, Brazos County, Texas.
2. On June 12, 2019, the Tenth Court of Appeals affirmed the judgment of the trial court (case no. 10-17-00143-CR).
3. On July 5, 2019, the Tenth Court of Appeals denied rehearing (case no. 10-17-00143-CR).
4. On November 20, 2019, this Court granted Becerra's Petition for Discretionary Review.
5. Appellant's Brief was filed on or about December 23, 2019.
6. The State's Brief is due on or before January 22, 2020.
7. The State respectfully requests a one-month extension, to and including February 21, 2020.
8. This is the State's first request for an extension.

9. The State's attorney asks for this extension based on good cause, including:

a. The State's attorney recently moved from a trial court to the Appellate Division in the office the first week of January 2020, and has been reviewing cases to become acquainted with them, however, the undersigned attorney still needs more time to file a proper brief in this case.

b. The State's attorney was recently involved in hearings on the following cases:

i. *Charles Dunn v. The State of Texas*, 19-00627-CRF-272 in the 272nd District Court, Brazos County, & 10-19-00458-CR in the Tenth Court of Appeals, Waco; Motion for New trial on January 17, 2020; &

ii. *Ex Parte Vaughn*, 15-00320-CRF-85-A, Writ of Habeas Corpus Hearing (Ineffective Assistance of Counsel claim) in the 85th District Court, Brazos County, on January 21, 2020.

c. The State's attorney is also working on the following cases:

i. *Samuel Patterson v. The State of Texas*, cause no. 10-19-00243-CR, State's Brief due February 3, 2020;

ii. *Andreas Jensen v. The State of Texas*, Court of Appeals No. 10-10-20-00001-CR, State's Brief due February 4, 2020; &

iii. *The State of Texas v. Gregory Stanley*, trial cause no. 16-01488-CRF-85, jury trial scheduled for February 10th, 2020.

9. This request is not made for purposes of delay.

WHEREFORE, the State respectfully requests that this Court grant the foregoing motion.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I do hereby certify that on 1/21/2020, a true and correct copy of the above and foregoing State's Motion for Extension of Time to File State's Brief was emailed to **Lane Thibodeaux**, Attorney for Appellant, at lanet1@msn.com & the **State Prosecuting Attorney's Office** at information@spa.texas.gov.



John Brick
Assistant District Attorney